



## JUDICIAL COUNCIL OF CALIFORNIA

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### Overview of Judicial Branch Legislative Priorities for 2017

The Judicial Council has adopted the following legislative priorities for 2017. These priorities embody the Chief Justice's Access 3D framework for increased access to the courts.

1. Advocate for continued investment in the judicial branch to include a method for stable and reliable funding for courts to address annual cost increases in baseline operations and plan for the future; and for sufficient additional resources to improve physical access to the courts by keeping courts open, to expand access by increasing the ability of court users to conduct branch business online, and to restore programs and services, including dependency counsel funding, that were reduced over the past few years. This priority also includes seeking the extension of sunset dates on increased fees implemented in the fiscal year (FY) 2012–2013 budget,<sup>1</sup> as follows:
  - \$40 increase to first paper filing fees for unlimited civil cases, where the amount in dispute is more than \$25,000 (Gov. Code, § 70602.6)
  - \$40 increase to various probate and family law fees (Gov. Code, § 70602.6)
  - \$20 increase to various motion fees (Gov. Code, §§ 70617, 70657, 70677)
  - \$450 increase to the complex case fee (Gov. Code, § 70616)
  - \$40 probate fee enacted in 2013, expiring on January 1, 2019 (Gov. Code, § 70662)
2. Increase the number of judgeships in courts with the greatest need.
  - a. Seek funding for 12 of the 50 authorized but unfunded judgeships, to be allocated to the courts with the greatest need based on the most recently approved Judicial Needs Assessment.
  - b. Seek funding for two additional justices in Division Two of the Fourth Appellate

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<sup>1</sup> All fee increases sunset on July 1, 2018, unless otherwise noted (see table 1 for estimated revenue totals).

District (Inyo, Riverside, and San Bernardino Counties), one in FY 2017–2018 and the second in FY 2018–2019.

- c. Advocate for legislative ratification of the Judicial Council’s authority to convert 16 subordinate judicial officer (SJO) positions to judgeships in eligible courts, and sponsor legislation for legislative ratification of the council’s authority to convert up to 10 additional SJO positions to judgeships, in eligible courts, if the conversion will result in an additional judge sitting in a family or juvenile law assignment.
  - d. Work with the administration and the legislature to resolve the concerns raised in the Governor’s veto message of Senate Bill 229 (2015 [Roth]), regarding vacant judgeships in courts with more authorized judges than their assessed judicial need.
- 3. Seek sufficient funding for courthouse construction projects authorized by Senate Bill 1407 (Perata; Stats. 2008, ch. 311).
  - 4. Seek legislative authorization for the disposition of the Chico, Corning, and San Diego courthouses as previously authorized by the Judicial Council and any remaining properties subsequently approved by the council in 2017 with proceeds deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund.<sup>2</sup>
  - 5. Continue to sponsor and support legislation to improve judicial branch operational efficiencies, including cost savings and cost recovery measures.
  - 6. Advocate for a three-branch solution to ensure the fairness and efficiency of California’s fines, fees, penalties, and assessments structure.

The Judicial Council will also be sponsoring the following legislative proposals:

**Applying the Electronic Filing and Service Provisions of Civil Procedure to Criminal Actions**

Provide express authority for permissive electronic filing and service in criminal proceedings by adding a statute to the Penal Code applying the electronic filing and service provisions of the Code of Civil Procedure section 1010.6 to criminal actions.

**Authorize Electronic Delivery of Notices of Hearing in Proceedings under the Probate Code**

Authorize the delivery of notices and other papers in uncontested or not-yet-contested proceedings under the Probate Code to persons by electronic means if the persons to receive notice have consented to electronic notice in the proceeding before the court and have provided electronic addresses.

**Electronic Filing, Service, and Signatures**

Authorize electronic signatures, promote consistency in the requirements for electronic filing and

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<sup>2</sup> Consistent with the legislative authorization to dispose of the San Pedro superior courthouse in Assembly Bill 1900 (Jones-Sawyer; Stats. 2016, ch. 510).

service, codify various provisions in the trial court rules, and clarify the application of Code of Civil Procedure section 1010.6 electronic service provisions in other statutes.

**Electronic Filing and Service in Juvenile Proceedings**

Authorize electronic filing and electronic service in juvenile law proceedings and establish parameters for e-business in the juvenile court.

**Multiple County Sentencing**

Clarify judicial sentencing authority when imposing concurrent or consecutive judgements under Penal Code section 1170(h) implicating multiple counties.

**Transfer Back To Receiving Court for Limited Purpose after Intercounty Transfer**

Authorize a receiving court to transfer a case of a person on probation or mandatory supervision back to the transferring court for a limited purpose when needed to best suit the needs of the court, the litigation at issue, or the parties.

**Pre-Arrestment Own Recognizance Release Under Court-Operated or Approved Pretrial Programs**

Provide courts with discretion to approve own recognizance release for arrestees with three prior failures to appear, without holding a hearing in open court, under a court-operated or court-approved pretrial program.

**Subordinate Judicial Officers: Court Commissioners as Magistrates**

Include “court commissioners” as a type of subordinate judicial officer within the definition of those who may serve as a “magistrate.”

**Juvenile Competency**

Amend Welfare and Institutions Code section 709 to clarify the legal process and procedures in proceedings that determine the legal competency of juveniles, including the following: who may express doubt regarding competency in minors; who has the burden of establishing incompetency; what is the role of the forensic expert in assessment and reporting on competency in minors; what is the process for determining competency in minors; what is the process for determining whether competency has been remediated; what is the process for ensuring that proceedings are not unduly delayed; and what is the process for ensuring due process and confidentiality protections for minors during the proceedings.

**Retention of Court Records in Gun Violence Cases**

Specify the retention period for court records in gun violence cases.

**Court Records Destruction Reporting**

Eliminate the requirement that superior courts report destroyed court records to the Judicial Council.